

## BECOMING INTERESTING.

The Land Contest Now in Progress in the Land Office Before the Register.

A Detective on the Stand Has to Stand a Searching Cross Examination.

Developments that May Result in Ridding the Community of Spies on Honest Settlers.

The land contest case mentioned in yesterday's INDEPENDENT, of Brass vs. Kenek, involving a desert land entry beyond East Helena, was continued yesterday. The contestant's attorneys are Adkinson & Davies, while Z. T. Burton is attorney for Kenek. Yesterday's hearing developed some very interesting facts reflecting upon the people engaged in the land jumping business. The following is a verbatim report of this portion of the examination as it was heard:

Cross-examination of R. P. Simpson, witness for the contestant in the case of Philip Brass vs. Christian Kenek, before the register and receiver of the United States land office, contest involving desert land entry of Christian Kenek, upon which he had made final proof in 1885, before going to Europe.

Cross-examination by Z. T. Burton, attorney for Kenek.

"What is your occupation?"

"I am a musician."

"Did you not say, in answer to a similar question in the trial of Stubbs vs. Klein-schmidt in this office that you were a painter or by occupation?"

"Yes, I did."

"Have you any other occupation than that of a painter and musician?"

"Not at present."

"When did you first see the land in controversy?"

"About two years ago, I should judge."

"Have you not been active in causing land contests to be brought against entrymen at this land office during the past year or so?"

"Not particularly so."

"Have you not for the past year or more been posing as a land detective among the settlers in the vicinity of this land?"

Counsel for prosecution objected to the question as being irrelevant and incompetent.

"No, sir."

"Have you not within the last year or so charged and received money consideration for causing land contests to be instituted?"

Counsel for prosecution interposed some objection. Question incompetent and improper.

"Well, the only way I shall answer that question is this: Parties have asked me if they knew of lands that could be had. I told them that I did, that is, I knew of parties that were holding land illegally, according to my knowledge of the land laws."

"Did you not go to one Napoleon Lalond and his brother-in-law, A. Bradley, of this city, and persuade them to bring a land contest against the desert land entry of Samuel H. Kennett, and did you not receive for your services in procuring them or either of them for bringing this contest, a money consideration?"

Mr. Davies—Objected to by attorneys for contestant because it makes no difference in this case whether witness did charge such service, and further that such interposition is improper as not tending to produce any evidence which is relevant or competent in this case.

"I did not."

"Did you not also go to one Lizzie Lambdin of this city and persuade her to bring a land contest against the desert land entry of Alexander C. Botkin?"

Counsel for prosecution objected for same reason as previous question.

"I did not."

"Did you not go to John Steinbrenner of this city and try to persuade him to bring a contest against this entry of Christian Kenek, now in contest, previous to the bringing of this contest; and did you not in that conversation with him say that if he would pay you a certain sum of money, you would cancel Kenek's entry and let him take the land, or language to that effect?"

Mr. Davies—Same objection as to other questions.

"I have not any recollection of using any such language."

"Did you go to him and talk with him and ask him to bring such a contest?"

Mr. Davies—Same objection.

"I did not."

"Was it not at your instigation and procurement that Mr. Brass, this contestant, filed his affidavit of contest against this entry?"

"I forget just how I came to see Mr. Brass. Wait a moment, please. Somebody told me that Mr. Brass wanted some land. I told him that this section of land had been grown up on by Mr. Kenek and I thought it was liable to contest and he concluded to contest it."

"Didn't one C. C. Stubbs go with you to Mr. Brass and introduce you to Mr. Brass as a land detective, who was looking up fraudulent entries?"

Mr. Davies—Objected to as incompetent and irrelevant.

"He did not."

"Did Mr. Brass pay you or agree to pay you any money consideration for your information and services in this case?"

"He agrees to pay me for the information."

"Have you not within the past year or so gone to one John W. O'Neill, a settler in this community, and proposed to him that you and he should enter into the business of taking settlers upon patented lands and offering, for a money consideration, to secure these patented lands for them, your plan as proposed to Mr. O'Neill being to get from the land office descriptions of vacant mountainous lands and telling such settlers that the description of such mountainous lands covered the patented lands so pointed out to them by you, in such case to receive a money consideration for this transaction?"

Mr. Davies—Objected to by attorneys for contestant because the question and answer are improper, the question implying that the witness would be guilty of a crime and might subject him to a criminal prosecution, and the whole being irrelevant, incompetent and improper cross-examination.

"Mr. O'Neill's proposition to me was to get plats from the land office and locate settlers for a money consideration upon government lands, which I suppose is perfectly proper."

"Do you acknowledge or deny that you made the proposals to Mr. O'Neill substantially as recited in the foregoing question?"

Mr. Davies—Objected to for the same reason as last question.

"I positively deny it, for the reason that it would be an impossibility to locate settlers upon patented lands, even if I were so inclined."

"Have you not been busy during the past year trying to procure persons not familiar with the public land laws to bring contests against the desert land entries covered by the French Bar and Spokane Dutch companies and is not this contest the result of a part of your work in this direction?"

Mr. Davies—Objected to as incompetent and irrelevant.

"Not particularly in regard to the Spokane district; although I don't know of only one instance in such Spokane Land district where the law has been complied with in

any sense of the word. The land to-day shows for itself."

"Then you have been over all the entries covered by these ditches, with the view of procuring contests against them have you not?"

Mr. Davies—Objected to for the same reason.

"Not with that view. I have been all over the land, in company with a great many others, but not with the view of procuring contests."

"Are you not known in this community as the land detective who was looking up facts to procure the cancellation of the entries?"

Mr. Davies—Question objected to, first, because it doesn't make any difference what the witness is known as in the community, whether as land detective or anything else. Also objected to as incompetent and irrelevant.

"I don't know that I am. Never represented myself to be."

"Have you not been posing as a Cheap John detective ever since you have lived in this community?"

Mr. Davies—Question objected to because it is a matter which is immaterial in this case whether the witness has been posing, whether he is a Cheap John detective or whether he is a detective or not.

"I have not. If I had the check of a government mule I think I would open an office and practice as a Cheap John land attorney and ask questions simply to confuse them."

Ladies should call at Fred Ganser's and get a pair of slippers, as he is selling them at a very low figure.

Ladies and gents' bathing suits to be had at The Bee Hive.

## AN AFFIDAVIT MAKER.

The Butte Miner Gives the History of Henry Bernard.

Quite a sensation was created in Helena yesterday when the Butte Miner made its appearance on our streets. The paper contained an expose of the character of Henry Bernard, a young man who has been and still is acting as assistant secretary of the republican territorial central committee, and who was sent to Butte to do the work he did there by the committee. The Miner says:

"Henry Bernard, whose name is attached to almost every affidavit submitted to the board of canvassers by the republicans yesterday, is a man with a history, whether one be proud of or not the reader can judge for himself."

In the spring of 1884 Mr. Bernard published a paper at Murray, Idaho, he being one of the first men to penetrate that then comparatively unknown section of the country. In his employ was a printer, an inoffensive, quiet man, named Jack Enright. After working for him for some time Enright threw up his "cuses" because he was unable to obtain his pay. Bernard then asked another printer, who is now in the city, to take the position vacated by Enright. This printer referred to refused to do, having, been told by Enright himself why he had quit. Bernard then went to Enright and paid him part of the money he owed him and Enright again went to work for him. Shortly afterward Enright again asked Bernard what was due him and without any provocation Bernard shot and killed Enright. So strong was the feeling against a murderer that an attempt was made to lynch him, and only the prompt action of the officer who arrested him saved his life.

The officer was Frank McDonald, formerly a member of the Butte police force. As soon as McDonald had arrested him he took Bernard to the mountains and for several days kept him hid in the brush, so as to save him from being strung up by the excited people. Finally, when the excitement died out, McDonald placed his prisoner in jail. Afterward Bernard was tried and sentenced to the penitentiary for eight years, and part of this sentence he served. Owing to his usefulness politically some of the influential men of his party interested themselves in his behalf and secured his pardon."

Mr. Short, a Helena printer, met Mr. Bernard last night and renewed his acquaintance with him in the business office of the INDEPENDENT. Mr. Bernard came into the office and Short spoke to him, telling him that he knew him in Boise City, Idaho, and Mr. Bernard inquired where he had the pleasure of his acquaintance, and was informed that he was at one time a guard in the penitentiary, and knew him there. Mr. Bernard recognized Mr. Short and had a conversation with him. Mr. Short said that he first knew Bernard in Silver City, Idaho, where they worked in the "Avalanche" office, Major Hay editor. Bernard left Silver City and he did not know where he went until he heard of his killing Jack Enright somewhere in the Cour d'Alenes, of his trial and sentence to eight years in the penitentiary in the fall of 1884.

Mr. Short was a guard in the penitentiary under Marshal Dubois for a time and while there saw Bernard almost daily. He says that the prisoner was in arms most of the time and was considered a very troublesome prisoner, principally for the reason that he was always getting other prisoners in trouble. Bernard, he says, was released some time last spring and he was under the impression that he was pardoned by the governor, but Bernard told, he says, that he obtained a new trial and was acquitted.

Mr. Bernard called at the INDEPENDENT office last night and spoke about the article. He denied the truth of it, but did not care about making a detailed statement.

All kinds of wooden toys have just been received at The Bee Hive.

Lying Dangerously Ill.

Thos. Kessler, who arrived here about two weeks ago from Chicago to take a position with L. Marks, is lying dangerously ill with pneumonia at the home of Wm. E. Lynch on Fifth avenue. Kessler is very low and his recovery is not expected. Friends in Chicago have been notified.

New goods. New goods have arrived every day last week and are now on exhibition at The Bee Hive.

District Court.

The following new cases were filed in the district court yesterday:

Lewis Hillebrecht vs. The Elkhorn Mining company; contract.

Bach, Cory & Co., limited, vs. S. L. Dyer and O. J. Dial; attachment.

J. Hochberg and J. Recknitz vs. Watson M. Young; et al.; foreclosure.

For a Few Days Only.

Mr. Stevens, of Stevens & Robertson, St. Paul, will be at sample room 86, (side entrance) Grand Central hotel, with a line of high grade etchings, water color paintings, etc., both framed and unframed. He has also an original oil painting by J. L. Brown, one of his famous boy pictures. All interested in fine pictures are invited to call.

Special Notice.

The regular meeting of the Helena Prohibition club will be held at the Good Templars hall this evening at 8 p. m. There will be speaking and music by the quartette. All are invited.

Dr. Dogge.

Diseases of women a specialty. Sixth avenue and Main street.

Fancy plush cases of every description now on sale at The Bee Hive.

## DIPS, SPURS AND ANGLES.

The Carlisle and Empire Mining Companies Have Consolidated.

A Movement of Importance to Mining Operations in Montana.

About the Shannon Mine—The San Francisco at Philipsburg Closed Down Indefinitely.

The Empire Mining company, which is composed of English people, and the same company which makes up the personnel of the Carlisle Gold Mining company, owners and operators of the Carlisle mine, of New Mexico, and the purchasers of the Phil Shenon group of mines in Beaverhead county, have consolidated.

This London syndicate has not been so fortunate with its American mining investments as might have been expected. It is not known whether poor management or poor properties have been the cause. While the results in this country have not fully come up to the expectations of the gentlemen interested, it is said, they have more than made up for their American losses by the richness of their south African mines in the Transvaal region. The Empire mine, which is located near Helena, has been closed down for several months. It has been in operation a number of years and has paid \$70,000 dividends, the date of the last dividend being in 1887. Since that time and up to last February or March the property has been making just barely paying running expenses. The cause was low grade ore. R. B. Wallace was placed in charge, but he insisted on developing the lead more thoroughly. He continued the operation but did not pay dividends. When Mr. Wallace retired he expressed the belief that the Empire contained ore in paying quantities, but it would require a considerable expenditure to extract it, the pumping expense being heavy. There are thousands of tons of low grade ore in the mine, but the present reduction facilities are not capable of handling it to advantage.

The Carlisle as well as the Empire is a gold property, but the English people have been more fortunate with it than the Empire. Up to 1888 the Carlisle paid \$175,000 in dividends, but it has within the last year degenerated into a property which hardly pays for itself. Prof. Clayton reported on this property a short time before he died and his report was not a favorable one for the stockholders.

The English syndicate is composed of enterprising men who will not hesitate to purchase a mining property with which they can make money. Through J. Stuart Wallace the company recently bought the Phil Shenon mines in Beaverhead county, and it now transpires that the consolidation of the Empire and Carlisle companies is to be made. For this purpose Mr. Wallace went to London and the consolidation has been effected. The result is that active work will be prosecuted all along the line. At Empire there are two quartz mills, one of forty and the other of twenty stamps. The twenty-stamp mill is to be started up at Empire and the forty stamp mill to be removed to Beaverhead county, where it will be erected for the treatment of the rich ores of the Phil Shenon gold mine.

Philipsburg Mail: The long-looked-for shut-down of the San Francisco in several last week, and for the first time in several years it is silent as death at the works, a fact which has caused a shadow of gloom to creep over everyone concerned in its prosperity, which includes every resident in this district, whether a stockholder or not. When the San Francisco will again resume operations or whether it ever will is not known. The pumps have not been drawn, however, and nothing has yet transpired to justify us in saying that it will not start again, and judging from all hearsay we are inclined to think that the mine will yet come to the front. It is said that the best showing the San Francisco has made in many months was made when the closed down, and it is not thought that work was discontinued from any ill-faith on the part of the management, but in all likelihood on account of lack of funds to prosecute further development and exploration.

The development at the Marony tunnel continues in the same favorable manner as reported two weeks ago in the Mail. The rich vein has been run in upon about 40 feet since that time, and although it is as rich as ever it shows signs of weakening from the fact that several strata have shot off from it, and all seem to take a downward course toward the footwall, which is likely to sink upon before the substantial body is reached. Some of the ore thus far taken out is covered with wire and native silver, and more is giving strong indications of ruby.

Try It.

Try our best patent floor, the best in the market, and Whitaker Star hams, at JOHN T. MURPHY & Co.'s.

Real Estate Transfers.

The following real estate transfers were filed for record yesterday with County Clerk and Recorder Tooker:

Huston T. Reeder et al. to Antonia Anderson and John H. Huseby, lot in Chatham street, Helena townsite, \$125.

Christina Basso and Louis Basso to E. S. Ormsby, trustee, bond for deed for lot 16, blk. 29, Northern Pacific addition, \$700.

Christina Basso and Louis Basso to W. J. Rowden, trustee bond for deed for lot 16, blk. 29, Northern Pacific addition, \$105.

J. A. Hudson to J. K. Kinsley, lease claim in Scratch gravel mining district, \$1,000.

Josiah Armistage et al. to William W. McDonald, lte 8, 30, blk. 29 Northern Pacific addition, \$1,000.

William Whitaker et al. to Wilcox & DeCamp, one-half interest in Fairview, Webb Consolidated and the Motor quartz lodes, \$175.

Anton Brass et al. to Albert M. Thornburgh and John W. Eddy, the NW 1/4 of the NE 1/4 of the SE 1/4, S 12, T 10 N R 1 W, \$1,350.

J. K. Miller to Edward F. Crockett, lte 6, 7, 8, 9, T 10 N, R 1 W, placer and stone quarry claims, \$1.

City of Helena by John C. Bullitt Jr., trustee to Peter J. Murphy, lot 8, blk. 73, Northern Pacific addition, \$300.

HELENA IN BRIEF.

G. W. Jackson, music dealer.

Dinner from 12 to 5 at the Bon Ton.

Anheuser & Busch Beer at Teicherts & Wick's.

James W. Barker, merchant tailor, Main street, opposite First National bank.

Go east via the Montana Central and Manitoba railways, the new sleeping and dining car route to St. Paul and the east. Through trains leave Helena daily at 11:35 a. m.

Excelsior Lodge No. 5, L. O. O. F.

A regular meeting of the above Lodge will be held at their lodge room in this city at 7 o'clock. Sojourning brothers are cordially invited to attend.

J. H. McFarland, N. G.

D. J. WAIT, Secretary.

## WALLACE &amp; THORNBURGH,

Real Estate, Mortgage Loans and Insurance!

Rooms 1, 2, 3 and 7,

First National Bank Building, Helena, Montana.

Houses Built for Investors that will yield a net income of from 12 to 18 per cent. on the Investment. Dwellings Built on the Installment Plan.

New Houses For Sale!

Small Cash Payments, Balance in Monthly Installments: Four on Ninth Avenue, Two on Eleventh Avenue, One on Logan Street, Two on Eighth Avenue, One on Blake Street, One on Lawrence Street.

WALLACE & THORNBURGH, AGENTS.

Rooms 1, 2 and 3, Second Floor First National Bank Building, Entrance Corner Grand and Jackson Streets.

## SHOES! SHOES! SHOES!

We Can Fit Any Foot in Helena!

We handle and keep in stock More Fine Goods than any house West of Chicago. Our Goods

Are All Made to Order,

By the Largest and Best Factories in America. It will pay you to spend an hour or so examining our Immense stock and get New and Late Style Goods.

J. P. WOOLMAN & CO.

Next to First National Bank, Helena.

## KEEP YOUR EYE

--ON--

## THIS SPACE!

FOR SALE.

\$800—For lots 7 and 8, block 84, Northern Pacific Addition.

\$800—For lot 12, block 47, Northern Pacific Addition.

\$350—For a corner lot 50x150 on South Rodney.

\$17.50—Per foot for corner on Benton Avenue.

\$125—Per foot for a central lot on Park Avenue.

\$55—Per foot for Lower Main street corner.

\$80—Per foot for Helena Avenue corner.

\$15,000—For improved central property on Main street.

\$9—Per foot for Warehouse lots on Montana Central Railroad.

\$2,250—Excellent new house on Breckenridge; \$250 down.

## HOUSES FOR RENT.

\$20—New 6-room brick, Northern Pacific Addition.

\$20—5 room, Hoback near Broadway.

\$18—Three cottages near Northern Pacific depot.

\$20—4 room brick, Eleventh and Raleigh.

\$45—8 room brick, Fifth Avenue.

Several other houses from \$7 to \$75 per month.

## Matheson &amp; Steele,

129 1-2 NORTH MAIN STREET, HELENA.

## A NEW PLACE!

## CRYSTAL RESTAURANT!

Harvey Block, (REAR FIRST NATIONAL BANK) Grand Street,

THIS PLACE WILL BE RUN ON FIRST CLASS PRINCIPLES

Call and See Them.

## ATTENTION!

We Carry a Complete Line of

GRAY BROS. SHOES.

They Excel Any Shoe in the Market for Style and Durability.

Also the Largest Line of Gents' Shoes in the City, including Hanan & Son and Lilly, Brackett and Co.'s makes.

RALEIGH & CLARKE, SUCCESSORS TO F. E. GAGE, No. 25, Upper Main Street.

## Jarvis-Conklin

Mortgage Trust Company.

There is no sounder financial institution in the United States than the Jarvis-Conklin Mortgage Trust Company, a branch office of which has been recently established in Helena, for Montana and Idaho. Loans in any sum from \$300 up can be closed at once. All that is necessary to secure a loan is security, and that is required by every banking institution in the world. The terms of Messrs. Jarvis & Conklin are as reasonable as can be secured from any source. Their reputation for probity and fairness in all their dealings is well attested by the many who have done business with them in fifteen states and territories in which they operate extensively, and no complaint of unfairness having come in during the years they have been in business is proof positive of their reliability.

Realizing that Montana and Idaho presented a good field for a legitimate loan business, the office was established here and is now in temporary quarters with A. J. Steele, in the Broadwater Building, on the corner of Main and Sixth avenue, and will remove to more commodious quarters as soon as they can be secured.

A specialty is made of Loans on Ranch and Farm property. Owing to the vast extent of their transactions Messrs. Jarvis & Conklin require agencies throughout the territory in which they operate, and for that reason wish to secure agents through Montana and Idaho, and to that end correspondence is solicited from responsible and reliable persons.

The cash capital of this company is \$1,500,000, with a large available fund to draw from if ever found to be necessary.

Solid, substantial, reliable and trustworthy, the Jarvis-Conklin Mortgage Trust Company is confident that it can successfully compete with any similar organization of the kind in the United States. Correspondence is solicited, to which prompt replies will be made. Low rates of interest, easy terms, and satisfaction guaranteed in all cases.

H. M. JARVIS and P. J. CONKLIN, Managers.

A FEW Sample Investments OFFERED BY

Thos. Crahan & Co.

This list will give an idea of the character of the property we handle. If it does not contain what you want we are sure you can be suited by calling at our office and examining our complete list of property.

BUSINESS PROPERTY:

\$12,500—A select corner opposite Steamboat Block, on Helena Ave. and Jackson street, 98 feet on Helena Ave. and 110 feet on Jackson St.

\$25,000—50 feet adjoining Belvidere house on the south, \$500 per foot.

\$7,500—50 feet on Helena Ave. between Warren and Ewing, facing south.

\$5,000—50 feet between Davis street and Montana avenue, on Helena avenue, facing north.

\$2,500—25 feet on Helena avenue, one block from Davis street.

RESIDENCE LOTS.

\$3,500—Each for two choice corners on Broadway and Hoback, each 100 foot front.

\$5,000—Select corner, 100x150 in Hauser addition, on motor line, block 16, facing south and east.

\$3,500—100x125, block 14, lots 7 and 8, Hauser addition, easy terms.

\$900—100x140, in block 20, lots 7 and 8, Flower Garden addition.

\$1,700—100x125, block 32, lots 13, 14, 15, 16, Broadwater addition. This is a choice corner on Madison Ave.

\$550—100x140 in Northern Pacific No. 2, high level ground.

HOUSES AND LOTS.

\$2,300—Choice 6-room dwelling, lot 30x140 to alley.

\$2,300—5 room cottage on Ninth avenue, new and well built.

\$1,900—4 room house, one-half block from motor line.

\$2,100—Nice 4-room brick, very convenient.

\$5,000—Select corner on west side, nice 5-room brick with all improvements. Lot 50x116.

\$5,200—Corner on Eleventh Ave. and Davis street, two good brick houses and lot 130x140 feet.

RANCH PROPERTY.

\$6,500—Best ranch in Missouri valley, 2 miles from Townsend; 241 acres, all under fence; perfect title; good house and barn, and implements of all kinds used on first-class farm.

LOANS.

We are now prepared to place large or small loans on improved city property or good good ranches, at a low rate of interest on first mortgage loans.

Respectfully,

THOS. CRAHAN & CO. Room 11, Thompson Block, Helena